

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE CITY OF NEW YORK,

Plaintiff,

-against-

MAGELLAN TECHNOLOGY, INC., ECTO WORLD, LLC, d/b/a Demand Vape, MATTHEW J. GLAUSER, DONALD HASHAGEN, MAHANT KRUPA 56 LLC d/b/a Empire Vape Distributors, NIKUNJ PATEL, DEVANG KOYA, STAR VAPE CORP., NABIL HASSEN, DORBES LLC, d/b/a Hydevapeofficial.com, CHRISTIAN A. SMITH,

Defendants.

Case No. 23-cv-5880-LLS-OTW

NOTICE OF MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT BY DEFENDANTS MAHANT KRUPA 56 LLC, NIKUNJ PATEL & DEVANG KOYA

PLEASE TAKE NOTICE that the undersigned counsel for Defendants Mahant Krupa 56 LLC, Nikunj Patel and Devang Koya will move this Court at a date and time convenient to the Court for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) granting their motion to dismiss Plaintiff's Amended Complaint (ECF No. 20) for failure to state a claim upon which relief can be granted, and for such other and further relief as the Court deems just and proper.

A supporting memorandum of law is filed in conjunction herewith.

Dated: October 27, 2023
New York, New York

Respectfully Submitted,

MOSES & SINGER LLP

/s/ Paul M. Eckles

Paul M. Eckles

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Devang Koya*

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of October 2023, I caused the foregoing to be electronically filed with the Clerk via the Court's ECM/ECF system and thereby electronically served on all counsel of record.

/s/ Paul M. Eckles